

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-1495 FOR WATER APPROPRIATION A-9408B

WATER DIVISION 1-C

Background

1. Surface water appropriation A-9408B is currently held by Kerwin and Perry Elting.
2. Appropriation A-9408B has a priority date of March 27, 1957, and authorizes the use of water for irrigation of the 90.7 acres of land described below. The water may be diverted from the Little Blue River at points of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  and the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 20, Township 4 North, Range 6 West of the 6<sup>th</sup> P.M. in Nuckolls County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 1.30 cfs (583 gallons per minute) from all points of diversion.

Township 4 North, Range 6 West of the  
6<sup>th</sup> P.M. in Nuckolls County          Acres

Section 20: SE $\frac{1}{4}$ NW $\frac{1}{4}$	21.2
NW $\frac{1}{4}$ NE $\frac{1}{4}$	17.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	20.5
SE $\frac{1}{4}$ NE $\frac{1}{4}$	8.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	12.5
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>11.5</u>
TOTAL	90.7

3. Kerwin and Perry Elting filed application EXT-1495, for a permit for an expedited transfer of the location of use requesting a transfer of the land authorized to be irrigated by appropriation A-9408B.
4. Kerwin and Perry Elting filed map number 17222 showing the land proposed to be irrigated under appropriation A-9408B through transfer EXT-1495.

Order

IT IS HEREBY ORDERED:

1. Application EXT-1495 for a permit for an expedited transfer of the location of use and map number 17222 are APPROVED.

2. Appropriation A-9408B through transfer EXT-1495 authorizes the use of water to irrigate 90.7 acres of land described below and depicted on map number 17222, which is made a part of this Order. The water may be diverted from the Little Blue River at points of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  and the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 20, Township 4 North, Range 6 West of the 6<sup>th</sup> P.M. in Nuckolls County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 1.30 cfs (583 gallons per minute) from all points of diversion. The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 4 North, Range 6 West of the  
6<sup>th</sup> P.M. in Nuckolls County                      Acres

Section 20:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	11.3
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	37.6
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.5
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	28.8
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	9.6
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1.2
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>1.7</u>
	TOTAL	90.7

3. All terms and conditions of appropriation A-9408B remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following.
- a. Notify the Department of any change in ownership or address.
  - b. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
  - c. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

Additional Information

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an appropriation for five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES

November 24 , 2008

/S/  
Brian P. Dunnigan, P.E., Acting Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this Order may request a contested case hearing in accordance with the Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this Order was posted on the Department's website. Copies of this Order and map number 17222 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 17222 were mailed on November \_\_\_\_\_, 2008, to the following:

Kerwin and Perry Elting  
c/o Kerwin Elting  
4383 Road W  
Edgar NE 68935